REMARKS

I. Introduction

Claims 15 and 18 to 42 are pending in the present application. Claims 29-31 and 37-42 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable and reconsideration is respectfully requested.

Applicants thank the Examiner for the indication that claims 15 to 29 and 32 to 36 are allowed.

II. Rejection of Claims 39 and 42 Under 35 U.S.C. § 102(e)

Claims 39 and 42 were rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,473,609 ("Schwartz"). Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

To anticipate a claim under § 102(e), a single prior art reference must identically disclose each and every claim feature. See Lindeman Machinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every feature of the claimed subject matter, arranged exactly as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added). Additionally, not only must each of the claim features be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter, as explained above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986).

Claim 39, as presented, relates to a method for transmitting messages between at least one main station and at least one terminal via a telecommunications network, the exchange of messages being controlled by a matching device between the at least one main station and the terminal as a function of at least one request of the at least one main station, the matching device matching at least one property for the transmission of the message, in particular the data type, the data format or the transmission mode, to the at least one request of the at least one main station.

Similarly, claim 42, as presented, relates to a telecommunications network, which includes at least one main station, a terminal, and a matching device arranged between the at least one main station and the terminal to control an exchange of messages between the at least one main station and the terminal as a function of at least one request of the at least

one main station, the matching device matches at least one property for a transmission of the message to the at least one request of the at least one main station, wherein the at least one property for the transmission of the message includes at least one of a data type, a data format, and a transmission mode.

Schwartz, by contrast, refers to a mobile unit that is connected to a link server via a radio communication network, and to service providers that are connected to the link server via a fixed network developed as Internet. Here, the link server has the task of carrying out a format transformation of the signals received by the Internet (e.g., HTML) into signals which are able to be transmitted via the radio communications network to the mobile station and displayed there (e.g., screen description data (SDD)). In the format transformation, in this context, the link server must observe requests of the mobile unit with respect to type and size of the display device of the mobile unit. Hence, the request is transmitted by the mobile unit to the link server. (See Col. 11, lines 18 to 33).

According to the subject matter of claims 39 and 42, by contrast, the message exchange is controlled by the matching device as a function of at least one request of the at least one main station, which means that, according to the subject matter of claims 39 and 42, as presented, the request for the control of the message exchange of the matching device is made on the part of the at least one main station, and not on the part of the terminal, as taught by Schwartz. Indeed, Schwartz does not disclose or suggest that the format transformation (e.g., HTML into SDD) is also implemented as a function of the request of a service provider or a network server, and thus, a main station. Therefore, Schwartz fails to identically disclose (or even suggest) the features of claims 39 and 42 with respect to a matching device having a control unit that controls the message exchange between at least two main stations and a terminal as a function of at least one request from at least one of the at least one main station. Moreover, Schwartz fails to identically disclose (or even suggest) the features of claims 39 and 42 with respect to matching at least one property for the transmission to the at least one request of the at least one main station. Accordingly, for at least these reasons, claims 39 and 42 are allowable over Schwartz.

In view of the foregoing, it is respectfully requested that the anticipation rejections of claims 39 and 42 be withdrawn.

II.   Rejection of Claims 30 and 31 Under 35 U.S.C. § 103(a)

Claims 30 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schwartz in view of Kingdon. Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 30, as presented, relates to a matching device for transmitting messages between at least two main stations and a terminal via a telecommunications network, the matching device including at least one interface to at least one of the at least two main stations, an interface to the terminal, a storage device configured to store at least one request from at least one of the at least two main stations for controlling a message exchange between the at least two main stations and the terminal, and a control unit configured to control the message exchange as a function of the at least one request.

Similarly, claim 31, as presented, relates to a matching device for transmitting messages between at least two main stations and a terminal via a telecommunications network, the matching device including at least one interface to at least one of the at least two main stations, an interface to the terminal, a storage device configured to store at least one request from at least one of the at least two main stations for controlling a message exchange between the at least two main stations and the terminal, and a control unit configured to control the message exchange as a function of the at least one request.

Schwartz, by contrast, as explained above, refers to a mobile unit that is connected to a link server via a radio communication network, and to service providers that are connected to the link server via a fixed network developed as Internet. Here, the link server has the task of carrying out a format transformation of the signals received by the Internet (e.g., HTML) into signals which are able to be transmitted via the radio

communications network to the mobile station and displayed there (e.g., screen description data (SDD)). In the format transformation, in this context, the link server must observe requests of the mobile unit with respect to type and size of the display device of the mobile unit. Hence, the request is transmitted by the mobile unit to the link server. (See Col. 11, lines 18 to 33).

According to the subject matter of claims 30 and 31, by contrast, the message exchange is controlled by the matching device as a function of at least one request of the at least two main stations, which means that, according to the subject matter of claims 30 and 31, the request for the control of the message exchange of the matching device is made on the part of the two main stations, and not on the part of the terminal, as disclosed by Schwartz. Indeed, Schwartz does not disclose or suggest that the format transformation therein, for intance, HTML into SDD, is also implemented as a function of the request of a service provider or a network server, and thus, a main station. Thus, Schwartz fails to disclose or suggest the features of claims 30 and 31 with respect to a matching device having a control unit that controls the message exchange between at least two main stations and a terminal as a function of at least one request from at least one of the at least two main stations.

Likewise, Kingdon also does not disclose or suggest these features of claims 30 and 31 because in Kingdon, too, it is only the mobile subscriber who selects the format for the requested location information. In particular, Kingdon in no way suggests that, for the message exchange between a main station and a terminal via a matching device, the control of the message exchange by the matching takes place as a function of a request that is made by the main station, such as, for instance, by Mobile Positioning Center 270. Indeed, according to Kingdon, only the mobile subscriber makes a request for the format of the location information that is to be sent to him. (See col. 4, lines 47 to 53).

Accordingly, for the foregoing reasons, Schwartz and Kingdon, either individually or in combination, fail to disclose, or even suggest, a method or a device for transmitting messages between at least two main stations, as recited in claims 30 and 31. Accordingly, for at least these reasons, claims 30 and 31 are allowable.

In view of the foregoing, it is respectfully requested that the obviousness rejections of claims 30 and 31 be withdrawn.

III. **Rejection of Claims 37, 38, 40 and 41 Under 35 U.S.C. § 103(a)**

Claims 37, 38, 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz in view of Kingdon. Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

Claim 37, as presented, relates to a method for transmitting messages between different main stations and at least one terminal via a telecommunications network, the different main stations offering different services, the method including controlling an exchange of messages by a matching device between the different main stations and the terminal as a function of at least one request of the terminal, and matching by the matching device in the direction of transmission from the different main stations to the terminal the different services to a uniform service according to the at least one request of the terminal.

Similarly, claim 40, as presented, relates to a telecommunications network, which includes a plurality of different main stations to offer different services, a terminal, and a matching device arranged between the different main stations and the terminal to control an exchange of messages between the main stations and the terminal as a function of at least one request of the terminal, the matching device in a direction of transmission from the different main stations to the terminal matches the different services to a uniform service according to the at least one request of the terminal.

Thus, according to the subject matter of claims 37 and 40, a message exchange between different main stations and at least one terminal via a telecommunication network is involved. In this context, the message exchange is controlled by a matching device, and indeed as a function of at least one request of the terminal. Here, the different main stations provide different services, and because of the matching device, in the direction of the transmission from various main stations to the terminal, the different services are matched to an integrated service according to the at least one request of the terminal.

According to Schwartz, different main stations, in the form of service providers of the Internet, offer different information services, such as finance information or personal information. (See col. 16, lines 46 to 50; col. 14, lines 50 to 55). In this regard, however, a matching to an integrated service for transmission to the terminal would mean, for example, that both the finance information of the one service provider and the personal information of the other service provider are transmitted in the form of personal information to the terminal when the terminal has made the request that is wishes to receive only personal information as a service. The present application describes, for example, services such as the Multimedia Messaging Service (MMS), the Short Message Service (SMS), e-mail services,

fax services, voice mail services or the like. In this context, the terminal may, for example, request that the services transmitted to the terminal should be transmitted in the form of the SMS message. (See, e.g., pages 9 to 10 of the Specification). However, such a service matching is not disclose or suggested by Schwartz, but what is rather involved there is a pure protocol of format conversion. (See, e.g., col. 7, lines 52 to 55, col. 8, lines 55 to 58, and col. 9, lines 29 to 39). Likewise, Kingdon describes a pure format conversion of the location data into a format requested by the mobile subscriber. (See col. 5, lines 39 to 45). Accordingly, Schwartz and Kingdon, either alone or combined, do not disclose or suggest the features of claims 37 and 40 with respect to various services that are matched to an integrated service according to at least one request of the terminal by the matching device in the direction of transmission from the main station to the terminal. Therefore, for at least these reasons, the combination of Schwartz and Kingdon does not render claims 37 and 40 unpatentable.

Claim 38, as presented, relates to a method for transmitting messages between different main stations and at least one terminal via a telecommunications network, the different main stations offering different services, the method including controlling an exchange of messages by a matching device between the different main stations and the terminal as a function of at least one request of the terminal, and matching by the matching device in the direction of transmission from the different main stations to the terminal the different services to a uniform transmission mode according to the at least one request of the terminal.

Claim 41, as presented, relates to a telecommunications network, which includes a plurality of different main stations to offer different services, a terminal, and a matching device arranged between the different main stations and the terminal to control an exchange of messages between the different main stations and the terminal as a function of at least one request of the terminal, the matching device in the direction of transmission from the different main stations to the terminal matches the different services to a uniform transmission mode according to the at least one request of the terminal.

It is respectfully submitted that Schwartz and Kingdon, either alone or combined, do not disclose or suggest the features of claims 38 and 41, as presented, with respect to different services that are matched to an integrated transmission mode according to the at least one request of the terminal by the matching device in the direction of transmission from the main station to the terminal. In this context, page 10 of the Office Action refers to a control of the message exchange via a format conversion by the matching device, which, however, is not at all the subject matter of claims 38 and 41. Rather, claims 38 and 41 refer

to the matching of different services to an integrated transmission mode according to the at least one request of the terminal. In this regard, it is respectfully submitted that such a transmission "mode" should not be confused with "format." In particular, the transmission mode is not the data format, but rather the organization of the transmission itself, which, for example, may be in the form of a push mode or pull mode. Thus, depending on the transmission mode, a message from the mail server is transmitted either on the initiative of the terminal or on the initiative of the mail server. By contrast, <u>Kingdon</u>, in particular, refers only to a format conversion in response to a message exchange between the mobile positioning center and the terminal, and not to the matching of different services to an integrated transmission mode, as required by claims 38 and 41. Hence, <u>Schwartz</u> and <u>Kingdon</u>, either alone or combined, do not disclose or suggest the features of claims 38 and 41 with respect to different services that are matched to an integrated transmission mode according to at least one request of the terminal by the matching device in the direction of transmission from the main station to the terminal. Therefore, for at least these reasons, the combination of <u>Schwartz</u> and <u>Kingdon</u> does not render claims 38 and 41 unpatentable.

In view of the foregoing, it is respectfully requested that the obviousness rejection of claims 37, 38, 40 and 41 be withdrawn.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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